

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2813

Diane M. Cossette,

Appellant,

v.

Minnesota Power & Light, an employer
and business corporation in the State
of Minnesota; James R. Burton,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: May 7, 1998
Filed: May 13, 1998

Before BOWMAN, Chief Judge, FAGG, and MURPHY, Circuit Judges.

PER CURIAM.

Diane Cossette appeals from the District Court's grant of summary judgment for defendants on her claims filed under the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 (1994), and dismissal of her state law claims. We dismiss for lack of jurisdiction.

Counts 1, 3, and 8 of Cossette's amended complaint alleged ADA violations, and the remaining counts asserted state law violations. Defendants moved for summary

judgment, and Cossette filed a cross-motion for summary judgment. Following a hearing on the motions, the District Court issued an order and written judgment. Both documents provided, "[d]efendants' motion for summary judgment is granted as to Counts 1 and 3 of [Cossette's] complaint"; "[Cossette's] motion for summary judgment is denied"; and "[t]he Court declines to exercise supplemental jurisdiction over the remainder of [her] complaint," dismissing it without prejudice. Cossette has appealed from that judgment.

As the District Court's judgment did not dispose of Count 8, one of Cossette's ADA claims, the judgment appealed from was not a final judgment. See Otey v. Marshall, 121 F.3d 1150, 1154 (8th Cir. 1997); Fed. R. Civ. P. 54(b); cf. 28 U.S.C. § 1292 (1994). Accordingly, we dismiss for lack of jurisdiction.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.